

**REMARKS**

Claims 1, 4, 5, and 11-16 are pending. By this Amendment, claims 11-13 are amended.

**I.     The Claims Satisfy the Requirements of  
35 U.S.C. §112, Second Paragraph**

The Office Action rejects claims 11-13 under 35 U.S.C. §112, second paragraph. Claims 11-13 have been amended to obviate this rejection.

**II.    The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1 and 11 under 35 U.S.C. §103(a) over U.S. Patent 6,138,621 to Albanello et al. in view of U.S. Patent 5,220,891 to Nakamura et al. This rejection is respectfully traversed.

Applicant respectfully disagrees with the Office Action's assertion that Albanello discloses an electromagnetically driven valve. Instead, Albanello discloses two cam driven valves. See e.g., Fig. 1 and cams 14 and 28. The Office Action identifies element 20 as an electromagnetically driven valve. However, element 20 is a pre-assembled sub-unit incorporating all the electric and hydraulic devices associated with the actuation of the intake valves. Thus, of the valves are electromagnetically driven.

The Office Action recognizes that Albanello does not disclose first and second lubricating oil passages each being formed to the electromagnetically driven valve and the cam driven valve respectively. Applicant respectfully disagrees with the Office Action's assertion that Nakamura provides the deficiencies of Albanello. Instead, Nakamura discloses an oil pressure path 13 which supplies part of the lubricating oil to the cam change-over mechanisms 11, 12, as disclosed in Nakamura at col. 2, line 50 et seq. The sub-galleries 25 and 26 which are connected to lubrication path 16 provide the lubricating oil to the camshaft bearings 32, 33. The oil pressure path 13 is only in contact with the cam change-over mechanisms 11, 12, and is not in contact with the valves.

The Office Action rejects claims 4, 5, 12 and 13 under 35 U.S.C. §103(a) over Albanello in view of Nakamura, and further in view of U.S. Patent 5,680,841 to Hu. As discussed above, claims 1 and 11 define patentable subject matter. Thus, withdrawal of this rejection is respectfully requested.

The Office Action rejects claim 14 under 35 U.S.C. §103(a) over Albanello in view of U.S. Patent 6,302,071 to Kobayashi. This rejection is respectfully traversed.

As discussed above, Albanello does not disclose an electromagnetically driven valve.

The Office Action recognizes that Albanello does not disclose a first lubricating oil passage formed to the electromagnetically driven valve and the cam driven valve and a second lubricating oil passage formed to the block section. Applicant respectfully disagrees with the Office Action's assertion that Kobayashi provides the deficiencies of Albanello. Instead, Kobayashi discloses supply oil passage 73 which delivers lubricating oil for the neighborhood of the crankshaft 2 or the valve moving mechanism, and as working oil for the valve characteristic changing mechanisms 25, 26. Thus, the same supply passage that supplies oil to the crankshaft, supplies oil to the valve moving mechanism. See e.g., col. 7, lines 32-37 and Fig. 7.

The Office Action rejects claims 15 and 16 under 35 U.S.C. §103(a) over Albanello in view of Kobayashi, and further in view of Hu. This rejection is respectfully traversed.

Claims 15 and 16 depend from claim 14. As discussed above, claim 14 defines patentable subject matter.

The Office Action rejects claims 1 and 11 under 35 U.S.C. §103(a) over Albanello in view of U.S. Patent 5,400,747 to Tabata et al. This rejection is respectfully traversed.

As discussed above, Albanello does not disclose an electromagnetically driven valve.

The Office Action recognizes that Albanello does not disclose a first lubricating oil passage being formed to the electromagnetically driven valve and a second lubricating oil

passage being formed independently from the first lubricating oil passage and being formed to the cam driven valve in the block section.

Applicant respectfully disagrees with the Office Action's assertion that Tabata provides the deficiencies of Albanello. Instead, Tabata discloses that working fluid is supplied to the valve timing varying section 30. This does not constitute a lubricating oil passage being formed to either of the valves. Specifically, the valve timing varying section is not the same as the valves.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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